

United States Senate

WASHINGTON, DC 20510

September 5, 2019

Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, California 94025

Dear Mr. Zuckerberg:

We write to express our deep concern that despite Facebook's purported ban of gun sales on its platforms, users continue to facilitate firearm transactions on Facebook's Marketplace. As reported by *The Wall Street Journal*, users simply list gun cases or boxes at inflated prices, which signifies to buyers that a firearm is included in the sale.¹ Once a seller and buyer make contact via private message, they finalize the transaction.² As such, we urge Facebook to quickly take action to remedy this issue and we request information on how Facebook monitors such sales.

The Wall Street Journal highlighted several disturbing incidents of Marketplace sellers skirting Facebook's ban on firearm sales. In one instance, a seller in North Carolina listed a gun case for \$950. A similar case retails for \$30.³ In another example, "one seller in Lincolnton, N.C., posted a photo on Marketplace of a hard, gray case with the title 'Gun case,' asking \$950. A similar case has a retail cost of \$30. The seller, in an interview with *The Wall Street Journal* conducted over Facebook Messenger, said that he was really selling an AR-15 style semiautomatic rifle."⁴ In another troubling instance, "[a] gun seller in Clyde, Texas, said in an interview with the *Journal* over Facebook Messenger that he had received 70 inquiries over one month for a Remington sniper rifle he wanted to sell. He said it had been viewed 2,000 times as of Aug. 14. The Pelican brand case it came in, which retails new at roughly \$270, was listed on Facebook Marketplace for \$4,500."⁵

An independent search conducted on August 21, 2019 found a gun case for sale for \$1,200 in Axtell, Texas.⁶ The posting states, "PM for details of contents."⁷ Another listing shows a case for sale for \$850 in Larue, Texas.⁸ The case is decorated with stickers for firearm manufacturers such as Remington and Keltec, and the posting states "Pm for details".⁹ A third listing from

¹ <https://www.wsj.com/articles/gun-sellers-are-sneaking-onto-facebooks-booming-secondhand-marketplace-11566315198>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ <https://www.facebook.com/marketplace/item/582810592247425/>

⁷ *Id.*

⁸ <https://www.facebook.com/marketplace/item/2325975837489815/>

⁹ *Id.*

Center, Texas advertises a “Kimber case” for \$700.¹⁰ The listing states, “Bought new[], haven’t used have other interest [], message for info and ‘inside’ pictures”.¹¹ By comparison, pistol and long gun hard cases retail for between \$6.99 and \$324.99 on the websites of Sportsmans Outdoor Superstore’s and Dick’s Sporting Goods.¹²

When Facebook banned the sales of firearms on its platforms in 2016, the company took a warranted stand against unlicensed gun sales. A 2017 study estimated that 22 percent of firearm owners obtained their most recent firearm without undergoing a background check.¹³ Another study found that the private market for gun sales “has long been recognized as a leading source of guns used in crimes.”¹⁴ As an industry leader, Facebook “shut down a key avenue that criminals and minors have used to arm themselves and put lives in danger”.¹⁵ This is exactly the type of common sense gun policy that enjoys broad support with the American public.

Unfortunately, it is not enough to simply announce a ban on firearm sales through Facebook. Effective monitoring and the suspension of accounts in violation of these policies is essential. When *The Wall Street Journal* contacted Facebook regarding the gun case sales on Marketplace, a spokeswoman stated that its platform’s enforcement policies “will never be perfect, but we are always looking for ways to improve our policies and enforcement.”¹⁶ To that end, we request answers to the following questions by September 26, 2019:

1. On average, how many accounts each month does Facebook Marketplace suspend for violating its gun sale policy?
2. How does Facebook use human beings or artificial intelligence to identify suspicious Marketplace advertisements? Does Facebook need more employees to address the technical shortcomings of artificial intelligence?
3. What measures does Facebook have in place to ensure that, if it suspends an account for violating the gun sale policy, that account’s user cannot create another account under a different username?
4. What proactive measures is Facebook taking to ensure that users are not able to skirt Facebook’s ban on gun sales, including by using coded language and subsequently completing a sale on Facebook Messenger?
5. What policies does Facebook have in place to alert law enforcement to instances of gun trafficking on its platforms?
6. How does Facebook handle reports from users alerting it to possible instances of gun sales? On average, how many instances of gun sales do other users flag each month?

¹⁰ <https://www.facebook.com/marketplace/item/1653448188133104/>

¹¹ *Id.*

¹² https://www.sportsmansoutdoorsuperstore.com/category.cfm/sportsman/hard-gun-cases/order_by/min_price%20desc; <https://www.dickssportinggoods.com/f/gun-cases?selectedSort=4&filterFacets=3521%3AHard&pageNumber=0>

¹³ <https://annals.org/aim/fullarticle/2595892/firearm-acquisition-without-background-checks-results-national-survey>

¹⁴ <https://www.ncjrs.gov/pdffiles1/nij/grants/241021.pdf>

¹⁵ <https://everytown.org/press/moms-demand-action-everytown-applaud-facebook-for-bolstering-efforts-to-end-unlicensed-gun-sales-arranged-on-its-platforms/>

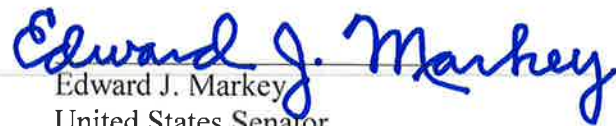
¹⁶ *Id.* at 1

Thank you in advance for your attention to these requests.

Sincerely,



Robert Menendez
United States Senator



Edward J. Markey
United States Senator



Michael F. Bennet
United States Senator



Mazie Hirono
United States Senator



Kamala D. Harris
United States Senator



Robert P. Casey, Jr.
United States Senator



Richard Blumenthal
United States Senator



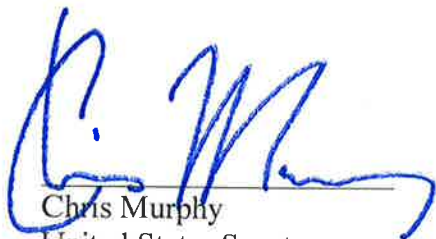
Richard J. Durbin
United States Senator



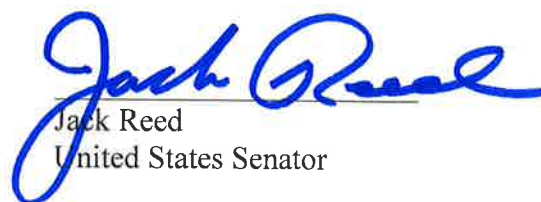
Amy Klobuchar
United States Senator



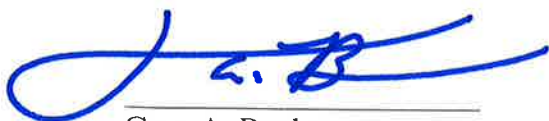
Sheldon Whitehouse
United States Senator



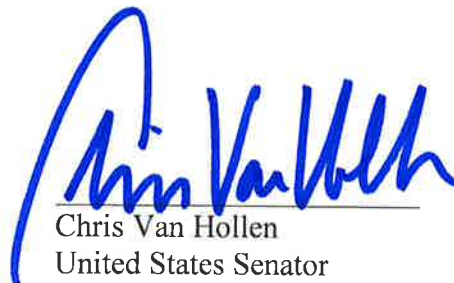
Chris Murphy
United States Senator



Jack Reed
United States Senator



Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



Kirsten Gillibrand
United States Senator